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17 Attorneys for Plaintiff Byrna Technologies, Inc.

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 BYRNA TECHNOLOGIES, INC., a Delaware  
corporation,

21 vs. Plaintiff,

22 DUKE DEFENSE USA, INC., a Delaware  
corporation; BOUGIEFIT, LLC, a Nevada  
limited liability company; ZYN APPAREL, a  
Delaware limited liability company; REILLY  
SCHUELER, an individual; BENJAMIN M.  
FLAM; an individual; JONATHAN COBB  
SANDERS, an individual; RANDALL  
CLIFTON, an individual; DENI STRAHL, an  
individual; BRAD THOMAS, an individual;  
APRIL WOODWARD, an individual; and  
TYLER AKIN, an individual,

28 Defendants.

Case No.: 2:21-cv-01559-APG-NJK

STIPULATION AND ORDER EXTENDING  
THE:

- (1) **TEMPORARY RESTRAINING  
ORDER AS TO DEFENDANT FLAM;  
AND**
- (2) **TIME FOR DEFENDANT FLAM TO  
RESPOND TO ECF NO. 14  
(SECOND REQUEST)**

ECF Nos. 10, 15

1 Plaintiff Byrna Technologies, Inc. (“Byrna” or “Plaintiff”), by and through its undersigned  
2 counsel, and Defendant Benjamin M. Flam, *pro se*, hereby stipulate and agree as follows:

3 1. Plaintiff filed a Complaint and Request for Injunctive Relief (ECF No. 1) and a Motion  
4 for Temporary Restraining Order (ECF No. 6) on August 23, 2021.

5 2. Defendant Flam was personally served with the Summons, Complaint, Motion for  
6 Temporary Restraining Order, and Temporary Restraining Order on August 24, 2021. Plaintiff filed its  
7 Motion for Preliminary Injunction on August 24, 2021. ECF No. 14.

8 3. On August 30, 2021, Plaintiff and Defendant Flam stipulated to extend the time for  
9 Defendant Flam to file his responses to Plaintiff’s Complaint, and Plaintiff’s Motion for Preliminary  
10 Injunction to October 13, 2021. ECF No. 21.

11 4. Defendant Flam filed a Motion to Dismiss in response to Plaintiff’s Complaint on  
12 September 28, 2021. ECF No. 29.

13 5. Plaintiff and Defendant Flam are currently engaged in discussions which may resolve  
14 Plaintiff’s claims against Defendant Flam, and require additional time to determine whether they will  
15 be able to reach agreement.

16 6. Therefore, to conserve the parties’ respective resources, Plaintiff and Defendant Flam  
17 agree that Defendant Flam shall have an extension of time until October 20, 2021 to respond to  
18 Plaintiff’s Motion for Preliminary Injunction. Plaintiff and Defendant Flam further agree that Plaintiff  
19 shall have until October 27, 2021 to file its Reply in support of its Motion for Preliminary Injunction.

20 7. Plaintiff and Defendant Flam further agree that the Temporary Restraining Order,  
21 including any amendment or supplement thereof by the Court, shall be binding upon and remain in full  
22 force and effect as to Defendant Flam, pursuant to Fed. R. Civ. P. 65(b)(2), until such time as the Court  
23 rules on Plaintiff’s Motion for Preliminary Injunction as it pertains to Defendant Flam.

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1       8. Neither this Stipulation nor the extensions provided herein shall effect the Court's ability  
2 to rule upon or grant the relief requested in Plaintiff's Motion for Preliminary Injunction as it pertains  
3 to other parties. Further, nothing in this Stipulation shall be construed as effecting the validity or  
4 effectiveness of the Preliminary Injunction as to other parties.

5                     DATED this 12<sup>th</sup> day of October, 2021.

6                     JACKSON LEWIS, P.C.

7                     \_\_\_\_\_  
8                     /s/ *Joshua A. Sliker* \_\_\_\_\_  
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13  
14                     *Attorneys for Plaintiff*  
15                     *Byrna Technologies, Inc.*

6                     BENJAMIN M. FLAM

7                     \_\_\_\_\_  
8                     /s/ *Benjamin M. Flam* \_\_\_\_\_  
9                     94 Stockade Path  
10                     Duxbury, MA 02332  
11                     *Defendant Pro Se*

12  
13  
14                     **ORDER**

15                     Based on the stipulation between Plaintiff Byrna Technologies, Inc. and Defendant  
16                     Benjamin M. Flam [ECF No. 40], which I construe as a joint motion under Local Rule  
17                     7-1(c) because it was signed by fewer than all the parties or their attorneys, and with good  
18                     cause appearing, **IT IS SO ORDERED**.

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20                     \_\_\_\_\_  
21                       
22                     By U.S. District Judge Jennifer A. Dorsey for Andrew P. Gordon  
23                     Dated: October 14, 2021, nunc pro tunc to October 13, 2021